

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARK R. SIMMS,

Plaintiff,

vs.

LUZERNE COUNTY PUBLIC  
DEFENDERS, ET AL.,

Defendants.

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: CIVIL NO. 3:CV-03-2055  
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: (JUDGE KOSIK)  
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ORDER

NOW, THIS 4th DAY OF NOVEMBER, 2005, upon consideration of Plaintiff's "Motion for an Entry of Plain Error" (Dkt. Entry 16), **IT IS HEREBY ORDERED THAT** said motion is **dismissed as moot** in that this action was dismissed without prejudice on January 7, 2004, due to Plaintiff's failure to either pay the required filing fee or submit an application to proceed in forma pauperis.

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s/Edwin M. Kosik

United States District Judge